

**EXHIBIT B**

12/05/2006 08:52 FAX

002

Duke University Medical Center

**CURRICULUM VITAE**  
for  
Permanent Record  
and the  
Appointments and Promotions Committee

Date prepared: September 2006

Name: David Harold Harpole, Jr., M.D.

Primary Academic Appointment: Division of Thoracic Surgery, Department of Surgery.

Secondary Appointment: Department of Pathology

Social Security Number: 229-64-7013

Present Academic Rank and Title: Professor of Surgery with Tenure  
Associate Professor of Pathology

Date and rank of first Duke Faculty appointment: April 1, 1996

**Medical Licensure:**

1983	Diplomat, National Board of Medical Examiners No. 301073
1985	Board of Medical Examiners State of North Carolina No. 29585
1993	Massachusetts Board of Registration in Medicine No. 77515 (Inactive)

**Specialty Certification and Dates:**

1993	American Board of Surgery No. 38463,	Re-certified 2002
1994	American Board of Thoracic Surgery No. 5468,	Re-certified 2003

Date of birth: April 5, 1958

Place: New Orleans, LA

Citizen of: United States of America

Spouse: Linda H. Harpole, M.D., M.P.H.

Children: Lauren Rebecca (8/6/99), Sydney Catherine (10/29/01), Caroline Dana (10/29/01)

<b>Education:</b>	<b>Place</b>	<b>Date</b>	<b>Degree</b>
-------------------	--------------	-------------	---------------

<b>High School:</b>	North Cross School Roanoke, VA.	6/76	Diploma
---------------------	------------------------------------	------	---------

12/05/2006 08:52 FAX

003

25. Meyerson SL, Harpole DH. Bronchial gland tumors. In Pearson FG, Cooper JD, Deslauriers J, et al (eds): Thoracic Surgery 3rd edition. New York, NY, Churchill Livingstone, in press.
26. Onatis M, Harpole DH, Jr. Mediastinoscopy. In Mastery of Thoracic Surgery, Kaiser L, ed., Elsevier Saunders, Philadelphia 2006.
27. Posther KE, Harpole DH, Jr. The Surgical Management of Lung Cancer. In Seminars of Oncology, 2005
28. Meyerson SL, Harpole DH. Surgical treatment of bronchopleural fistula after pneumonectomy. In Sugarbaker DJ, Bueno R, Zellos L (eds): Adult Chest Surgery: Concepts and Procedures. New York, NY, The McGraw Hill Companies, in press.
29. Burfeind WR, Jr., Harpole DH, Jr. Surgical Strategies and Outcomes after Induction Therapy for Non-Small Cell Lung Cancer. In Seminars of Cardiothoracic Surgery, 2005
30. Meyerson SL, Harpole DH. Induction therapy for stage IIIA (N2) lung cancer. In Ferguson MK (ed): Difficult Decisions in Thoracic Surgery: An Evidence-Based Approach. Guildford, UK, Springer Verlag London Ltd, in press.
31. Meyerson SL, Harpole DH, Jr. Lung Cancer Staging: Proteomics. Thoracic Surgery Clinics of North America. Thomas D'Amico editor, 2006
32. Petersen RP, Harpole DH, Jr. Molecular Prognostic Markers in Stage I Non-small Cell Lung Cancer. Thoracic Surgery Clinics of North America, Rodney Landreneau editor, 2006

#### 4. Books:

1. Management of Non-Small Cell Lung Cancer. Roy Herbst, MD, David H. Harpole, Jr. MD, Mark A. Socinski, MD: In preparation

#### 5. Other:

##### a. Published Scientific Reviews

Diagnosis and Management of Lung Cancer: ACCP Evidence-based Guideline. CHEST 123: 1s-388S, 2003

##### b. Selected Abstracts:

1. Harpole DH Jr, Skelton TN, Davidson CJ, Jones RH, Bashore TM. Validation of left ventricular stroke-work measured by digital subtraction angiography and first-pass radionuclide angiocardiology in patients with aortic stenosis. Clin Res 1988; 36:282a.
2. Harpole DH Jr, Skelton TN, Davidson CJ, Jones RH, Bashore TM. The acute effects of balloon aortic valvuloplasty on ventricular performance. Circulation 1987; 76 Suppl

12/05/2008 08:56 FAX

0001

IV:495.

3. Harpole DH Jr, Jones RH, Bashore TM. Serial evaluation of left ventricular function after aortic valvuloplasty utilizing first-pass radionuclide angiocardiology. *Circulation* 1987; 76 Suppl IV: 522.
4. Davidson CJ, Harpole DH Jr, Skelton TN, Kisslo KB, Kisslo JA, Jones RH, Bashore TM. The early rise in the aortic gradient following aortic valvuloplasty is due to improved left ventricular performance. *J Am Coll Cardiol* 1988; 11:220a.
5. Harpole DH Jr, Wolfe WG, Rankin JS, Clements FM, Jones RH. Efficacy of crystalloid cardioplegia during cardiac valvular operations. *Circulation* 1988; 78 Suppl II:185.
6. Harpole DH Jr, Skelton TN, Jones RH. Systolic performance using radionuclide angiography and micromanometer pressure at baseline and six months after aortic valvuloplasty. *Circulation* 1988; 78 Suppl II:530.
7. Harpole DH Jr, Rankin JS, Wolfe WG, Jones RH. Changes in left ventricular systolic load immediately following valve replacement. *Circulation* 1989; 80 Suppl II:424.
8. Gall SA, Harpole DH Jr, Rankin JS, Glower DD, Jones RH. Intrinsic myocardial performance in volume versus pressure overload hypertrophy during prosthetic valve replacement. *Circulation* 1990; 82 Suppl III:776.
9. Kearney D, Harpole DH Jr, Wormuth D, DeCamp M, Mentzer S, Strauss G, Healey, Mayer R, Sugarbaker D. A multimodal approach to esophageal cancer. *Proc Am Soc Clin Oncol* 1994.
10. DeCamp M, Jaklitsch MT, Harpole DH Jr, Mentzer SJ, Sugarbaker DJ. An improved videothoroscopic technique proves superior to axillary thoracotomy in the surgical management of spontaneous pneumothorax. *Am J Respir Crit Care Med* 1994; 149 (4 pt 2):A511.
11. Harpole DH Jr, DeCamp MM Jr, Mentzer SJ, Reilly JJ Jr, O'Donnell W, Sugarbaker DJ. A prospective analysis of dysrhythmias after pneumorectomy. *Am J Respir Crit Care Med* 1994; 149(4 pt 2):A507.
12. Jaklitsch MT, Harpole DH Jr, DeCamp MM, Mentzer SJ, Reilly JJ, O'Donnell WJ, Sugarbaker DJ. Video-assisted thoracic surgery reduces expected operative mortality in the elderly. *Am J Respir Crit Care Med* 1994; 149(4 pt 2):A510.
13. Wormuth DW, Reilly JJ, Mentzer SJ, O'Donnell WJ, Harpole DH Jr, DeCamp MM, Sugarbaker DJ. Frequent isolation of oral flora from the distal tracheo-bronchial tree of lung transplant patients with post-transplant pneumonia. *Am J Respir Crit Care Med* 1994; 149(4 pt 2):A739.

12/06/2006 03:58 FAX

002

14. Harpole DH Jr, Steckman BG, Strauss GM, Sugarbaker DJ. Multimodality therapy for chest wall invasive lung cancer. *Proc Society of Surgical Oncology* 47:31, 1994.
15. DeCamp MM Jr, Jaklitsch MT, Mentzer SJ, Harpole DH Jr, Sugarbaker DJ. The safety and versatility of video-thoracoscopy: a prospective analysis of 516 cases. The Plenary Session of the American College of Surgeons, Chicago, IL, 1994.
16. Sugarbaker DJ, Jaklitsch MT, DeCamp MM Jr, Harpole DH Jr, Swanson S. Safety of video-assisted thoracic surgery (VATS): prospective analysis of 626 cases. The Second European Conference on Thoracic Malignancies 1994, Siena, Italy.
17. DeCamp MM, Roberts JR, Jaklitsch MT, Harpole DH Jr, Mentzer SJ, Swanson SJ, Sugarbaker DJ. Thoracoscopy is safe and effective in the management of malignant pericardial tamponade. *Proc Society of Surgical Oncology* 48: 23, 1995.
18. Healey EA, Recht A, Mentzer SJ, Strauss GM, Harpole DH Jr, DeCamp MM, Swanson SJ, Sugarbaker DJ. Patterns of failure following planned tri-modality therapy for malignant mesothelioma. *Proc Society of Surgical Oncology* 48: 25, 1995.
19. Swanson SJ, Harpole DH Jr, DeCamp MM, Healey EA, Mentzer SJ, Wormuth D, Strauss GM, Sugarbaker DJ. Feasibility of intrapericardial pneumorectomy for lung cancer following induction therapy. *Proc Am Soc Clin Oncol*, 1995.
20. Sugarbaker DJ, Harpole DH Jr, Healey EA, DeCamp MM, Mentzer SJ, Liptay MJ, Strauss G, Swanson SJ, Antman K. Multimodality treatment of malignant pleural mesothelioma, results in 94 consecutive patients. *Proc Am Soc Clin Oncol*, 1995.
21. Harpole DH Jr, Amos AM, Alexander E, Loeffler J, Swanson SJ, DeCamp MM, Mentzer SJ, Skarin A, Richards WR, Black P, Sugarbaker DJ. Stage of the primary is important when treating isolated brain metastases from lung cancer *Proc Am Soc Clin Oncol*, 1996.
22. Kwiatkowski DJ, Harpole DH Jr, Godleski J, Shieh D, Blanco R, Richards W, Herndon J, Strauss G, Sugarbaker DJ. Prognostic factor analysis of 250 Stage I NSCLC Patients: Pathologic features are more important than molecular analyses *Proc Am Soc Clin Oncol*, 1997.
23. DeCamp MM, Strauss GM, Kwiatkowski DJ, Harpole DH Jr, Godleski J, Shieh D, Blanco R, Richards W, Herndon J, Sugarbaker DJ. Gender Predicts Survival in Stage I NSCLC: Clinico-pathologic and molecular analysis of 250 patients. 8th World Conference on Lung Cancer 1998.
24. Harpole DH Jr, Moore MH, Aloia TA, Sporn TA, Conlon DH, Wolfe WG, and D'Amico TA. Molecular markers of treatment resistance or sensitivity in esophageal cancer patients. *Proc Am Soc Clin Oncol*, 1999.
25. Aloia TA, Moore MH, D'Amico TA, Hara M, Herndon EF, Patz EF, Harpole DH Jr.

12/05/2006 08:57 FAX

003

Positron emission tomography SUR score correlates with the presence of glucose transporters in non-small cell lung cancer tumors. Proc Am Soc Clin Oncol, 1999.

26. Aloia TA, Moore MB, Conlon D, Harpole DH Jr, D'Amico TA. Expression of angiogenesis factor viii is elevated in cerebral metastases from non-small cell lung cancer. Proc Society of Surgical Oncology 53:19, 2000.
27. Harpole DH Jr., Moore MB, Herndon JA, Aloia TA, Conlon DH, D'Amico TA. Serum Markers in Localized Non-small Cell Lung Cancer. March 2000 Proc of Am Assoc Cancer Res A4397; 2000.
28. Moore-Joshi MB, Danenberg KD, Lord RV, Uteake H, Danenberg PV, Harpole DH Jr. Low Thymidylate Synthase and ERCC1 Gene Expressions are associated with increased survival after neoadjuvant 5-FU/Cisplatin/Radiotherapy for Esophageal Adenocarcinoma. Proc Am Soc Clin Oncol, 2000.
29. Aloia TA, Harpole DH Jr., D'Amico TA. CK19 is superior to MUC1 as a marker of micrometastases in patients with non-small cell lung cancer. Surgical Forum 2000.
30. Onaitis M, Harpole DH Jr., Hartwig M, Amico TA, Moore MB, Pendergast AM, Tyler D. Novel alterations of the adaptor protein crkl in lung cancer. Surgical Forum 2000.
31. Salgia R, Harpole DH Jr., Herndon JA, Pisick E, Elias A, Skarin A. Role of serum tumor markers CA125 and CEA in non-small cell lung cancer. 9th World Conference on Lung Cancer 2000.
32. Aloia TA, Harpole DH Jr, Moore MB, Reed CA, Allegra CA, D'Amico TA Molecular biologic staging in patients with node-negative esophageal carcinoma. Proc. Southern Thoracic Surg Assoc, 2000.
33. D'Amico TA, Moore MB, Aloia TA, Conlon D, Harpole DH Jr. Predicting the site of metastases from lung cancer using molecular biologic markers. Proc. Southern Thoracic Surg Assoc, 2000.
34. Kelley MJ, Li S, Harpole DH, Jr. Mutational analysis of beta-tubulin gene (TUBB) in non-small cell lung cancer. Proc Soc Clin Oncol, 2001
35. Harpole LH, Nolte, KC, D'Amico TA, Crawford JN, Harpole DH, Jr. Assessing lung cancer patient outcome at point of service, Proc Soc Clin Oncol, 2001
36. Harpole DH, Jr, To K, Moore ME, Brooks KR, Conlon DH, Aloia TA, D'Amico, TA Measurement of Navelbine resistance markers in patients with stage III non-small cell lung cancer: A Novel Approach for Patient Selection. Proc. Southern Thoracic Surg Assoc, 2001
37. Brooks KR, Aloia TA, Harpole DH, Jr., D'Amico TA. Bone Marrow CK-19 rt-PCR



12/05/2006 08:57 FAX

@004

correlates with stage in patients with non-small lung cancer, Surgical Forum 2002.

38. Brooks, KR, Joshi MBM, Conlon D, D'Amico TA, Herndon J, Harpole DH, Jr. Serum protein expression as a marker of disease failure in clinical stage I non-small cell lung cancer, 2003 Annual Session of the American Association for Cancer Research, Toronto
39. Vlahovic G, Joshi MBM, Herndon J, Crawford J, Harpole DH, Jr. Frequency of STI571 specific tyrosine kinase expression in stage I non-small cell lung cancer (NSCLC). 2003 Annual Session of the American Association for Cancer Research, Toronto, CA
40. Atkins, BZ, Shah AS, Hutcheson TN, Pappas TN, Harpole DH, Jr., D'Amico TA. Improving outcomes following esophagogastrectomy: the importance of pulmonary complications. 50<sup>th</sup> Annual Session of the Southern Thoracic Surgical Association, Bonita Springs, FL, 2003
41. Brooks K, Harpole DH, Jr., Moore MB, Conlon D, D'Amico TA. Serial measurement of serum markers in patients with non-small cell lung cancer. 50<sup>th</sup> Annual Session of the Southern Thoracic Surgical Association, Bonita Springs, FL, 2003
42. Burfeind WR, D'Amico TA, Tolaza E, Wolfe WG, Harpole DH, Jr. Low morbidity and mortality for bronchoplastic procedures with and without induction therapy. 51<sup>st</sup> Annual session of the Southern Thoracic Surgical Association, Cancun, Mexico, Nov 2004.
43. Lemaire A, Burfeind WR, Balderson S, D'Amico TA, Harpole, DH, Jr. Benefits and risks of tracheobronchial stent placement in patients with malignant airway disease. 51<sup>st</sup> Annual session of the Southern Thoracic Surgical Association, Cancun, Mexico, Nov 2004.
44. Lemaire A, Burfeind WR, Balderson S, D'Amico TA, Harpole, DH, Jr. Benefits and risks of tracheobronchial stent placement in patients with benign airway disease. ACCP Annual meeting, Oct, 2004
45. Moore Joshi MB, Petersen RP, Miller C, Conlon D, Brooks K, D'Amico TA, Harpole DH, Jr. Serial assessment of serum markers predicts recurrence in patients with localized non-small cell lung cancer. IASLC World Lung Cancer Bi-annual Meeting, Barcelona, Spain, July 2005 (Lung Cancer 2005; 49:S95)
46. Petersen RP, Moore Joshi MB, Potti A, Nevins J, Harpole DH, Jr. Gene expression array profiles and patients with early stage non-small cell lung cancer. IASLC World Lung Cancer Bi-annual Meeting, Barcelona, Spain, July 2005 (Lung Cancer 2005; 49:O122)
47. Ramiah VS, Potti A, Peterson RP, Harpole DH, Jr., Lancaster L, Berchuck A, Ortel T. Gene Expression Patterns Identify Patients With Non-Small Cell Lung Cancer (NSCLC) And Ovarian Cancer Who Are At Increased Risk Of Venous Thromboembolism (VTE). Hematology and Thrombosis Society Annual Meeting, 2006

12/05/2006 08:58 FAX

2005

48. M. M. Joshi, R. P. Petersen, D. E. Conlon, K. Tanaka, D. Shimizu, H. Kuramochi, M. Williams, P. V. Danenberg, K. D. Danenberg, D. H. Harpole. Differential canonical pathways derived from microarrays using RNA from paraffin-embedded non-small cell lung cancer tissue. American Society of Clinical Oncology Annual Meeting, Atlanta, GA, June 2006
49. Strauss GM, Herndon JE, Maddaus MA, Harpole DH, Johnstone DW, Johnson EA, Watson DM, Sugarbaker DJ, Schilsky RA, Vokes EE, Green MR. Adjuvant chemotherapy in stage IB non-small cell lung cancer (NSCLC): Update of Cancer and Leukemia Group B (CALGB) protocol 9633. P ASCO 365s, abstract no. 7007, 2006
50. Potti A, Mukherjee S, Prince R, Dressman HK, Bild A, Koontz J, Kratzke R, Watson MA, Kelley M, Ginsburg G, West M, Nevins JR, Harpole DH, Jr. A Genomic Strategy to Refine Prognosis and Therapeutic Decision for Adjuvant Therapy in Non-Small Cell Lung Carcinoma. American Society of Clinical Oncology Annual Meeting, Atlanta, GA, June 2006
- c. Editorials, Position, and Background Papers:
  1. Expression of molecular markers in early stage lung cancer, Clin Lung Cancer, 1999.
  2. Expression of Her2-neu measured by immunohistochemistry or ELISA, Ann Thorac Surg 2000.
- d. Invited Presentations
  1. Harpole DH Jr, Bigelow C, Young WG, Wolfe WG, Sabiston DC. Alveolar cell carcinoma: a retrospective analysis of 205 patients. Presented at the 34th Annual Meeting of the Southern Thoracic Surgical Association, 1987.
  2. Harpole DH Jr, Jones RH. Postoperative evaluation of ventricular function on coronary artery bypass grafting patients using the radionuclide angiogram. Duke University Medical Center Cardiovascular Symposium 1987; 23:5.
  3. Harpole DH Jr, Skelton TN, Davidson CJ, Jones RH, Bashore TM. The acute effects of balloon aortic valvuloplasty on ventricular performance. Presented at the 60th Annual Session of the American Heart Association.
  4. Harpole DH Jr, Jones RH, Bashore TM. Serial evaluation of left ventricular function after aortic valvuloplasty utilizing first-pass radionuclide angiography Presented at the 60th Annual Session of the American Heart Association.
  5. Davidson CJ, Harpole DH Jr, Skelton TN, Kisslo KB, Kisslo JA, Jones RH, Bashore TM. The early rise in the aortic gradient following aortic valvuloplasty is due to improved left ventricular performance. Presented at the 11th Annual Session of the American College of Cardiology.



12/05/2006 03:59 FAX

006

6. Harpole DH Jr, Wolfe WG, Rankin JS, Clements FM, Jones RH. Efficacy of crystalloid cardioplegia during cardiac valvular operations. Presented at the 61st Annual Session of the American Heart Association.
7. Harpole DH Jr, Skelton TN, Jones RH. Systolic performance using radionuclide angiography and micromanometer pressure at baseline and six months after aortic valvuloplasty. Presented at the 61st Annual Session of the American Heart Association.
8. Harpole DH Jr, Jones RH. Serial assessment of ventricular function after aortic valve replacement for aortic stenosis. Duke University Medical Center Cardiovascular Symposium 1988; 24:13.
9. Harpole DH Jr, Rankin JS, Wolfe WG, Young WG, VanTrigt P, Jones RH. Effects of standard mitral valve replacement on left ventricular function. Duke University Medical Center Cardiovascular Symposium 1989; 25:3.
10. Harpole DH Jr, Rankin JS, Wolfe WG, Jones RH. Changes in left ventricular systolic load immediately following valve replacement. Presented at the 62nd Annual Session of the American Heart Association.
11. Harpole DH Jr, Rankin JS, Wolfe WG, Young WG, VanTrigt P, Jones RH. Effects of standard mitral valve replacement on left ventricular function. Presented at the 25th Annual Meeting of the Society of Thoracic Surgeons, 1989.
12. Harpole DH Jr, Johnson CM, Wolfe WG, George SL, Seigler HF. Analysis of 945 cases of pulmonary metastatic melanoma. Presented at the 17th Annual Meeting of the Western Thoracic Surgical Association, 1991.
13. Harpole DH Jr, Feldman JM, Buchanan S, Young WG, Wolfe WG. Bronchial Carcinoid Tumors. Presented at the 38th Annual Meeting of the Southern Thoracic Surgical Association, 1991.
14. Harpole DH Jr. Diagnosis and treatment of melanoma involving the lung. Presented at the Sixth Annual Session of the Melanoma Consortium, 1993.
15. Harpole DH Jr, Sleckman BG, Strauss, GM, Sugarbaker DJ. Multimodality therapy for chest wall invasive lung cancer. Presented at the 47th Annual Session of the Society of Surgical Oncology, 1994.
16. Harpole DH Jr, DeCamp MM Jr, Mentzer SJ, Reilly JJ Jr, O'Donnell W, Sugarbaker DJ. A prospective analysis of dysrhythmias after pneumonectomy. Am J Respir Crit Care Med 1994; 149(4 pt 2):A507. Presented at the 70th Annual Session of the American Lung Association / American Thoracic Society, 1994.
17. Harpole DH Jr, Young WG, Wolfe WG. Stage I lung cancer: A multivariate analysis of 289 cases. Presented at the 80th Plenary Session of the Clinical Congress of the

12/05/2006 08:59 FAX

007

American College of Surgeons, 1994.

18. Harpole DH Jr, DeCamp MM, Daley J, Hur K, Oprian CA, Henderson WG, Sugarbaker DJ, Khuri SF and the Participants in the National VA Surgical Risk Study: Prognostic models of 30-day morbidity and mortality after major pulmonary resection. Presented at the 31st Annual Meeting of the Society of Thoracic Surgeons, 1995.
19. Harpole DH Jr, Strauss GM, Sugarbaker DJ. Multimodality therapy for malignant pleural mesothelioma. Presented at 1999 Spring Meeting, The Cancer and Leukemia Group B.
20. Harpole DH Jr, Herndon JE, Richards WG, Sugarbaker DJ. Angiogenesis and molecular biologic staging in localized lung cancer. Presented at the 42nd Annual meeting of the Southern Thoracic Surgical Association, 1995.
21. Harpole DH Jr. The Evolution of Therapy for Patients with Stage IIIA (N2) Lung Cancer, Harvard Multimodality Therapy of Chest Malignancies - Update 96.
22. Harpole DH Jr. Major Complications after Pulmonary Resections, American College of Surgeons Postgraduate Course-1996
23. Harpole DH Jr. Molecular Biologic Staging in Non-small Cell Lung Cancer, American Society of Clinical Oncology Postgraduate Course-1997
24. Harpole DH Jr. From Atypia to Metastasis in Non-small Cell Lung Cancer American College of Surgeons Postgraduate Course-1997
25. Harpole DH Jr. Primary and Metastatic Chest Wall Tumors, Southern Thoracic Surgical Association Postgraduate Course-1997
26. Harpole DH Jr. Molecular Biological Marker in Non-small cell lung cancer. American College of Chest Physicians Postgraduate Course-1998
27. Harpole DH Jr. Molecular Biology of Lung Cancer. Southern Thoracic Surgical Association Postgraduate Course-1999
28. Harpole DH Jr. Molecular Biology of Lung Cancer. 5<sup>th</sup> Annual Thoracic Oncology Seminar, Charleston, SC 2000
29. Fungal Infections in the Immunocompromised Host. American College of Surgeons Postgraduate Course-2000
30. Advances in the Therapy of Esophageal Cancer. Visiting Professor: University of Texas-Southwestern, Dallas, Tx, January 2001/
31. Application of Molecular Biology into Clinical Treatment of Non-small Cell Lung Cancer. Visiting Professor: Oregon Health Science University, February 2001

12/05/2006 08:59 FAX

0008

32. Invited Moderator, Thoracic Surgery Forum, American Association for Thoracic Surgery, 2001 San Diego CA.
33. Surgical Therapy for Early Stage Lung Cancer. 6<sup>th</sup> Annual Perspectives in Thoracic Oncology, Charleston, SC Oct 2001
34. Surgical Therapy for Stage III Non-small Cell Lung Cancer. National Oncology Research Council Chicago, IL April 2002
35. Diagnosis and Management of Malignant Pleural Effusions. National Oncology Research Council New York, March 2002
36. Diagnosis and Management of Malignant Pleural Effusions. National Oncology Research Council Washington, DC June 2002
37. Surgical Therapy for Stage IIIA Non-small Cell Lung Cancer. 7<sup>th</sup> Annual Perspectives in Thoracic Oncology, New York, NY Oct 2002
38. Background and Importance of Databases in Thoracic Surgery, Society of Thoracic Surgeons, San Diego CA, Feb 2003
39. Invited Moderator, Thoracic Surgery Forum, American Association for Thoracic Surgery, 2003 Boston, MA.
40. Advances in Therapy for Non-small Cell Lung Cancer, Visiting Professor: Case Western Reserve University, Cleveland OH, March 2003
41. Innovated Surgical Approaches to Patients with Lung Cancer, Visiting Professor: Cancer Center of Central Pennsylvania, Penn State School of Medicine, Harrisburg, PA, March 2003
42. Invited Speaker: Lung Cancer Session: American Society of Clinical Oncology Annual Session, Chicago, IL, June 2003.
43. Surgical Results of the National Emphysema Treatment Trial. Medical Grand Rounds, Duke University Medical Center, June 2003.
44. General Thoracic Surgery Coding: Society of Thoracic Surgeons Annual Coding Course, Fort Lauderdale, FL, Oct 2003
45. Innovations in Surgery for Early Stage Lung Cancer. National Oncology Research Council Atlanta, GA, Oct 2003
46. Surgical Staging for Non-small Cell Lung Cancer. 8<sup>th</sup> Annual Perspectives in Thoracic Oncology, New York, NY, Oct 2003

12/05/2006 09:00 FAX

010

62. The STS General Thoracic Database: Past, Present and Future. Annual STS Database Training Event, Chicago, IL, Oct 2004
63. Innovations in Invasive Staging for Lung Cancer. National Oncology Research Council Boston, MA, Aug 2004
64. New Data in Adjuvant Therapy for Lung Cancer. National Oncology Research Council Miami, FL, Nov 2004
65. Adjuvant and Neoadjuvant Therapy for Stage IIIA Lung Cancer. National School of Oncology Annual Meeting, Las Vegas, NV Feb 2005
66. Proteomics in Non-small Cell Lung Cancer General Thoracic Surgery Club Scientific Session 2005, Naples, FL
67. Clinical Genomics in Non-small Cell Lung Cancer. 2<sup>nd</sup> Annual Winter Lung Cancer Conference, Miami, FL 2005
68. Controversies in Trimodality Therapy for Stage III Non-small Cell Lung Cancer. National Oncology Research Council, New York City May 2005
69. Gene Expression Signatures for Prognosis in NSCLC. Proceedings of American Society of Clinical Oncology 2005
70. Monitoring Tumor Markers in Serial Sera Predicts Recurrence in NSCLC Proceedings of American Society of Clinical Oncology 2005
71. Clinical and Invasive Staging for Potentially Resectable Lung Cancer Patients. ACCP Clinical Update: 2005, Boston, MA June 2005
72. Introduction to Industry-Sponsored Clinical Trials: Thoracic Oncology Experience. CALGB Semi-annual Meeting, St. Louis, MO June 2005
73. Genomics and Proteomics in Non-small Cell Lung Cancer. 11<sup>th</sup> IASLC World Lung Cancer Meeting, Barcelona, Spain, July 2005
74. Lung Cancer Gene Expression and Oncogenic Pathway Predictions in Non-small Cell Lung Cancer. Glaxo-Smith-Kline Visiting Scientist, Philadelphia, PA July 2005
75. Director of Cardiothoracic Postgraduate Course, Annual Clinical Congress of the American College of Surgeons, San Francisco, CA Oct 2005
76. Treatment Options for Stage III Non-small Cell Lung Cancer. National Oncology Research Council, Fort Lauderdale, FL, Nov 2005

12/05/2006 09:01 FAX

011

77. A Genomic Prediction Model for Selecting Stage IA Patients for Adjuvant Therapy. CALGB Fall Meeting, Amelia Island, FL, Nov 2005
78. Invited Thoracic Surgical Oncology Expert: Creating Guidelines and Educational Sessions: National School of Oncology, Seattle, WA Nov 2005.
79. Invasive and Non-invasive Staging of Non-small Cell Lung Cancer. Reality Oncology: Lung Cancer, Fort Lauderdale, FL, Nov 2005
80. Neoadjuvant Therapy for Stage IIIA Lung Cancer. National School of Oncology Annual Meeting, Las Vegas, NV Feb 2006
81. Understanding Clinical Genomics and Lung Cancer. Visiting Professor: University of Pennsylvania, Philadelphia, Feb 2006
82. Genomics and Selecting Patients for Lung Cancer Trials. Visiting Professor: MD Anderson Cancer Center, Houston, TX, Feb 2006
83. Clinical trials in Lung Cancer: Where Do We Go From Here? Visiting Professor: University of Virginia, Charlottesville, VA, March 2006
84. Invasive and Non-invasive Staging of Non-small Cell Lung Cancer. Reality Oncology: Lung Cancer, St Louis, MO, April 2006
85. Invasive and Non-invasive Staging of Non-small Cell Lung Cancer. Reality Oncology: Lung Cancer, Indianapolis, IN, April 2006
86. Treatment of Patients with Early-stage Non-small Cell Lung Cancer: An Evolving Paradigm. Grand Rounds. George Washington University, May 2006
87. Harpole DH Jr., Joshi MB, Petersen RP, Conlon DH, Tanaka K, Shimizu D, Kuramochi H, Williams M, Danenberg PV, Danenberg KD. A lung cancer genomic risk prediction model derived from paraffin-embedded tissue
88. The Role of Genomics and Adjuvant Chemotherapy in Patients with Non-small Cell Lung Cancer. Medical Center grand Rounds, University of Miami School of Medicine, June 2006
89. Neoadjuvant Therapy for Stage IIIA Lung Cancer: Surgical Issues. National School of Oncology, Chicago, IL July 2006

#### Consultant Appointments:

1995 - 1996 Staff Thoracic Surgeon, The Carney Hospital, Boston, MA  
 1995 - 1996 Staff Thoracic Surgeon, The Faulkner Hospital, Boston, MA



12/05/2006 09:01 FAX

012

**Professional Awards and Special Recognition:**

1972	Eagle Scout, Boy Scouts of America
1976-1980	Robert E. Lee Research Scholar, Washington & Lee University (Inorganic Chemistry)
1976-1980	James P. Davidson Academic Scholarship, Washington & Lee University
1979	National Science Foundation Research Scholar, University of North Carolina (Molecular Biology)
1984	Raven Honorary Society of the University of Virginia
1986-1988	Raymond W. Postlethwait Fellow in Thoracic Surgical Research
1989	Finalist, Leibig Vascular Research Award, Society of Vascular Surgeons
1991	Finalist, Paul C. Sampson Resident Research Award of the Western Thoracic Surgical Association
1996-1998	Who's Who in Medicine and Healthcare
1997	Who's Who in North America
1998	Outstanding Young Men of America
1999-2003	Who's Who in the World
1999-2003	Who's Who in the South and Southwest
1999	Nationally recognized in Good Housekeeping Magazine-
1999	Cancer Doctors for Women
2000-2003	Who's Who in Medicine and Healthcare
2000-2003	Who's Who in America
2000-2004	Swarthmore's Who's Who
2000	Presidents Award, Southern Thoracic Surgical Association
2002	J. Maxwell Chamberlain Memorial Paper, Society of Thoracic Surgeons
2003	Guide to America's Top Surgeons
2004	America's Top Cancer Doctors
2004	Who's Who in Medical Sciences Education
2005	International Health Professional of the Year
2005	J. Maxwell Chamberlain Memorial Paper, Society of Thoracic Surgeons
2005	Guide to America's Top Physicians
2005	Maxwell's Who's Who of North America
2006	Maxwell's Who's Who of North America
2006	International Who's Who

**National Cancer Institute Clinical Trials**

1998 CALGB 398105: Correlative Science Companion to CALGB 9633: A randomized phase III trial of adjuvant chemotherapy versus observation for patients with stage IB NSCLC (n=400) Role: PI Status: Completed

2001 ACOSOG 4031: Proteomic Analysis in Patients with Nodules Suspicious for NSCLC: Validating a Predictive Model (n=1000) Role: PI Status: Completed

2005 CALGB 30506: A Randomized Phase III Trial to Evaluate the LUNG



12/05/2006 09:02 FAX

013

1993 Clinical Investigator, National Institutes of Health, No. 22724  
 1994 Surgical Modality Committee, Cancer and Leukemia Group B  
 1994 Solid Tumor Correlative Science Committee, Cancer and Leukemia Group B  
 1994 Respiratory Tumor Subcommittee, Cancer and Leukemia Group B  
 1994 Gastrointestinal Tumor Subcommittee, Cancer and Leukemia Group B  
 1994 Thoracic Surgery Chairman, National VA Surgical Quality Improvement Program  
 1996-2001 Surgical Coordinator for Duke University Medical Center, Cancer and Leukemia Group B  
 1997 Society of Thoracic Surgeons: National Cardiothoracic Database Committee  
 1997 Chairman, Society of Thoracic Surgeons: General Thoracic Surgery Subcommittee  
 1997-2003 National Emphysema Treatment Trial Steering Committee  
 1997-2001 Chairman, Thoracic Surgery Sub-committee, CALGB  
 1999 Database Committee Chairman, General Thoracic Surgery Club  
 2000 American College of Surgeons (ACOS) Oncology Group  
 2001 Vice-chairman, American College of Surgeons Oncology Group  
 2001 CALGB Correlative Science Grant Review Committee  
 2001-2004 Thoracic Surgery Research Foundation Grant Review Committee  
 2002 Secretary / Treasurer of Sabiston Surgical Society  
 2001 National Comprehensive Cancer Network (NCCN)  
 2002 Invited Participant: 2<sup>nd</sup> NCI State of Science Meeting: Lung Cancer  
 2002 NCCN Genomics Task Force  
 2002-2005 Everts Graham Memorial Fellowship Committee  
 2002 ACOS Commission on Cancer Thoracic Disease Site Co-Chairman  
 2002-2003 Director's Committee on Gene Array Analysis in Adenocarcinoma  
 2003 Program Committee, 50<sup>th</sup> Annual Session of the Southern Thoracic Surgical Association  
 2003 American College of Surgeons Advisory Council for Cardiothoracic Surgery: Program Committee Representative  
 2004 Program Committee, 51<sup>st</sup> Annual Session of the Southern Thoracic Surgical Association  
 2004 American Association for Thoracic Surgery Cardiothoracic Residents Committee, C. Walton Lillie Residents Forum  
 2004 American Association for Thoracic Surgery Scientific and Government Relations Committee  
 2001-2004 American Board of Thoracic Surgery: Examination Consultant  
 2004 Membership Committee Society of Clinical Surgery  
 2004 Everts Graham Memorial Fellowship Committee Chairman  
 2004 American College of Surgeons: Cardiothoracic Council  
 2004 Program Committee, Annual Clinical Congress, ACS  
 2005 Scientific Program Committee American Society of Clinical Oncology  
 2005 Cancer Communications Committee, American Society of Clinical Oncology

12/05/2006 09:02 FAX

014

2005 Clinical Trials Committee, American Society of Clinical Oncology  
 2005 Program Committee: Society of Thoracic Surgeons  
 2005 Society of Thoracic Surgeons Relative Value Update Committee  
 2005 Program Committee Chair, 52<sup>nd</sup> Annual Session of the Southern Thoracic Surgical Association

**Regional Committees:**

1993 - 1996 Thoracic Surgical Member, Combined Harvard Oncology Group  
 1994 - 1996 Brockton/West Roxbury VAMC Cancer Committee  
 1995 - 1996 Steering Committee, Dana Farber Thoracic Oncology Program  
 1995 - 1996 Transfusion Committee, Brigham & Women's Hospital  
 1995 - 1996 Endoscopy Committee, Brigham & Women's Hospital  
 1995 - 1996 Laparoscopy Committee, Brigham & Women's Hospital  
 1996-2003 Cancer Protocol Committee, Duke Comprehensive Cancer Center  
 1996-2002 Advisory Committee, Duke Thoracic Oncology Program (Clinical Subcommittee, Chairman)  
 1996- Director, Thoracic Oncology, Durham Veterans Affairs Medical Center  
 1998-2003 Transfusion Committee  
 1999-2003 Academic Council, Duke University  
 1999-2001 Advisory Committee, Dean's Group III, Duke School of Medicine  
 2003-2005 Clinical Research Advisory Board, Duke University School of Medicine  
 2003-2004 Department of Surgery Compensation Committee  
 2003-2004 Duke University Clinical Research Advisory Council Subcommittee  
 Chairman: Standards and Credentials  
 2004- Director of Clinical Research, Department of Surgery  
 2005- Duke Cancer Genomics Program Advisory Committee  
 2005-2006 Executive Council Duke Clinical Research-Oncology  
 2005- Performance Improvement Board Co-chair, CT In-patient Service  
 2006- Department of Surgery AP&T Committee Chairman

**Research Grant Funding:**Previous Grants:

R-01 CA60572: Prognostic Markers in Stage I Non-small Cell Lung Cancer  
 Total Costs \$605,000 Interval: 2 years  
 Role: Co-investigator

U-10 CALGB Surgical Grant  
 Total Costs \$1,750,800 Interval: 5 years  
 Role: Co-investigator

US Surgical: Prospective Thoracoscopy Database  
 Total Costs \$25,000 Interval: 2 years  
 Role: Principal investigator

12/05/2006 09:03 FAX

015

Duke Comprehensive Cancer Center: Resistance Marker Expression in Cancer  
 Total Costs \$50,000 Interval: 2 years  
 Role: Principal investigator

R-29 CA69648: Tissue and Serum Indicators of Lung Cancer Recurrence  
 Total Costs \$559,000 Interval: 6 years  
 Role: Principal investigator

Glaxo-Smith-Kline: Navelbine Resistance Marker Analysis in Lung Cancer  
 Total Costs \$60,000 Interval: 2 years  
 Role: Principal investigator

VA Merit Review: Serum Markers in Non-Small Cell Lung Cancer  
 Direct Costs \$625,000 Interval: 5 years  
 Role: Principal investigator

Bristol-Meyers-Squibb: Resistance Marker Expression in Esophageal Cancer  
 Total Costs \$50,000 Interval: 2 years  
 Role: Principal investigator

Adventis: Taxane: Resistance Marker Analysis in Lung Cancer  
 Total Costs \$100,000 Interval: 2 years  
 Role: Principal investigator

#### Current Grants:

U-10 CALGB Surgical Grant: Renewal  
 Total Costs \$1,900,000 Interval: 5 years  
 Role: Co-investigator (Duke is the top accruing center in CALGB)  
 2000 - \$68,400  
 2001 - \$81,600  
 2002 - \$124,300  
 2003 - \$160,000  
 2004 - \$80,000  
 2005 - \$120,000  
 2006 - \$160,000

NCI-CA114771-01 Molecular Signatures of Lung Cancer Interval: 5 years  
 PI: David Carbone, Vanderbilt University \$5,000,000 Direct Costs  
 Role: Co-investigator, Serum Bank PI \$120,000 Direct Costs

R01-CA-116648-01 Validating Molecular Signature Risk Models of NSCLC  
 Direct Costs \$1,999,890 Interval: 4 years  
 Role: Principal investigator

#### Submitted Grant Proposals (2006)

12/05/2006 09:03 FAX

016

American Lung Association: Gene Expression Signatures of Oncogenic Pathway Deregulation  
in NSCLC Direct Costs \$200,000 Interval: 2 years  
Role: Principal investigator

R21-CA Evaluating Gene Array-based Risk Models in Paraffin-embedded NSCLC  
(RFA-PA06-299) Direct Costs \$275,000 Interval: 2 years  
Role: Principal investigator

VA Merit Review Validating Molecular Signature Risk Models of Esophageal Carcinoma  
Direct Costs \$750,000 Interval: 5 years  
Role: Principal investigator

EXHIBIT C

Patient: HOGGE, CLAIBORNE FB8179

Rad Rpt: Final 09/11/2006 10:04 Req# 4302117 Acct#

MYOCARD PERF REST SPECT GATED SPECT FOR PERF FRAGT  
GATED SPECT FOR WALL MOTION

Verified

CLINICAL HISTORY : 65 y/o male, Lung CA

INDICATIONS :

OTHERS

99% 20, Unspecified adverse affect of drug, medicinal  
and biological substance  
956.69, long-term high-risk drugs currently used

TECHNIQUE : Rest

RADIOPHARMACEUTICAL : Rest : 27.0 mCi of Tc-99m Myoview, IV

COMPARISON : None

IMAGE ANALYSIS:

Left Ventricle Analysis :

	Rest	Conclusions
- High Anterolateral	Normal	Normal
- Low Anterolateral	Normal	Normal
- High Posterolateral	Normal	Normal
- Low Posterolateral	Normal	Normal
- High Anterior	Normal	Normal
- Low Anterior	Normal	Normal
- Anteroseptal	Normal	Normal
- Posterobasal	Normal	Normal
- Inferior	Normal	Normal
- Inferoseptal	Normal	Normal
- Interoseptal	Normal	Normal
- Anteroseptal	Normal	Normal

Additional Comments : The resting LVEF, by quantitative gated  
SPECT imaging, is 52%.  
Normal wall motion.

I provided immediate supervision during the conduction of this  
testing  
and personally performed the interpretation.

Report Release Date/Time: 200609111115

Approving MD: BORGES-NEJO, SALVADOR MD

ORDERING MD: MARKS, LAWRENCE D

ORDER REASON: HEART SPECT DX: LUNG CA GRNT# 383-0338-6964-5538

Patient: HOGGE, CLAIBORNE FB8179

Rad Rpt: Final 09/11/2006 10:04 Req# 4302117 Acct#

Browser Result for: FB8179 Printed by: MORAN019 10/18/2006 8:21:59 PM

1 of 10



MYOCARD PERF REST SPECT  
GATED SPECT FOR WALL MOTION

GATED SPECT FOR EJECT FRACT

Verified

CLINICAL HISTORY : 65 y/o male, Lung CA

INDICATIONS :

OTHERS

995.10, Unspecified adverse effect of drug, medicinal  
and biological substance

V58.69, Long-term high-risk drugs currently used

TECHNIQUE : Rest

RADIOPHARMACEUTICAL : Rest : 27.0 mCi of Tc-99m Myoview, IV

COMPARISON : None

IMAGE ANALYSIS:

Left Ventricle Analysis :

	Rest	Conclusions
- High Anterolateral	Normal	Normal
- Low Anterolateral	Normal	Normal
- High Posterolateral	Normal	Normal
- Low Posterolateral	Normal	Normal
- High Anterior	Normal	Normal
- Low Anterior	Normal	Normal
- Anteroseptal	Normal	Normal
- Posterobasal	Normal	Normal
- Inferior	Normal	Normal
- Inferoseptal	Normal	Normal
- Inferobasal	Normal	Normal

Additional Comments : The resting LVEF, by quantitative gated  
SPECT

imaging, is 52%.  
Normal wall motion.

I provided immediate supervision during the conduction of this  
testing  
and personally performed the interpretation.

Report Release Date/Time: 200609111116  
Approving MD: BORGES-NETO, SALVADOR MD

ORDERING MD: MARKS, LAWRENCE B  
ORDER REASON: HEART SPECT EX: LUNG CA CRIT# 363-0338-6564-5528

Patient: HOBGE, CLAIBORNE FB8179

Rad Exp: Final 09/11/2006 10:04 Req# 4302417 Acct#

MYOCARD PERF REST SPECT  
GATED SPECT FOR WALL MOTION

GATED SPECT FOR EJECT FRACT

Verified

eBrowser Result for FB8179 Printed by: MORAN019 10/18/2006 8:21:59 PM

2 of 10

CLINICAL HISTORY : 55 y/o male, Lung CA  
INDICATIONS :

OTHERS

995.20, Unspecified adverse effect of drug, medicinal  
and biological substance  
V58.69, Long-term high-risk drugs currently used

TECHNIQUE : Rest

RADIOPHARMACEUTICAL : Rest : 27.0 mCi of Tc-99m Myoview, IV

COMPARISON : None

IMAGE ANALYSIS:

Left Ventricle Analysis :

	Rest	Conclusions
- High Anterolateral	Normal	Normal
- Low Anterolateral	Normal	Normal
- High Posterolateral	Normal	Normal
- Low Posterolateral	Normal	Normal
- High Anterior	Normal	Normal
- Low Anterior	Normal	Normal
- Anterapical	Normal	Normal
- Posterobasal	Normal	Normal
- Inferior	Normal	Normal
- Inferopical	Normal	Normal
- Inferoseptal	Normal	Normal
- Anteroseptal	Normal	Normal

Additional Comments : The resting LVEF, by quantitative gated  
SPECT imaging, is 52%.  
Normal wall motion.

I provided immediate supervision during the conduction of this  
test and personally performed the interpretation.

Report Release Date/Time: 200609111115  
Approving MD: BORGES-NETO, SALVADOR MD.

ORDERING MD: MARKS, LAWRENCE B  
ORDER REASON: HEART SPECT DX: LUNG CA CRMT# 383-0338-6964-5528

Patient: HOGGE, CLAIBORNE FB8179

Rad Rpt: Final 09/23/2006 14:05 Req# 4277102 Act# 244878

RENAL BLOOD FLOW + SCAN

Verified

Nuclear renal study, 9/23/2006

Indication: Mesothelioma, Preradiation renal evaluation.

eBrowser Result for: FB8179 Printed by: MORAN019 10/18/2006 8:21:59 PM

3 of 10

Radiopharmaceutical and technique: 10.6 mCi Tc-99m MAG3 administered intravenously. Flow phase images of the kidneys were obtained during bolus injection of radiotracer and printed at three second frames out to 50 seconds. Sequential 3 minute excretion phase acquisitions were obtained out to 30 minutes. Time/activity curves for both the renal cortex and the whole kidneys were obtained.

Findings: Flow images demonstrate prompt uptake within the kidneys bilaterally. There is symmetric perfusion noted. Cortical phase images demonstrate normal size and location of both kidneys.

Split renal function is estimated at 49 % on the right and 51 % on the left.

Right kidney is normal in appearance and morphology. There is prompt uptake, clearance, and excretion of radiopharmaceutical. The right kidney time to peak is approximately 4.57 minutes.

Left kidney is normal in appearance and morphology. There is prompt uptake and clearance of radiopharmaceutical. Some activity remains in the left renal collecting system at the end of the examination, which clears on the post void image. Time to peak on the left is approximately 6.57 minutes.

Impression:

1. No evidence of obstruction bilaterally.
2. Symmetric renal function as above.

I have reviewed the film and concur with the above findings.

Report Release Date/Time: 20060623170434437

Resident MD: Weber, Kevin

Approving MD: WONG, TERENCE Z MD

ATTENDING MD: MARKS, LAWRENCE R

ORDERING MD: MARKS, LAWRENCE B

ORDER REASON: UNK

Patient: HOGGE, CLAIBORNE FB8179

Rad Rpt Final 07/25/2006 10:22 Req# 4231976 Acct# 020710

CHEST-ROUTINE PA AND LAT

Verified

Comparison: 6/13/2006

Findings: Status post left pneumonectomy. Increasing fluid within the left hemithorax with residual but smaller air component. The right lung remains clear. Skin staples have been removed.

Impression: Status post pneumonectomy with increasing left pleural fluid.

I have reviewed the film and concur with the above findings.

Report Release Date/Time: 20060725144518327  
Resident MD: Daniels, Shannon  
Approving MD: WASHINGTON, EDITH LACEY MD

ATTENDING MD: HARPOLE, DAVID HAROLD JR  
ORDERING MD: HARPOLE, DAVID HAROLD JR  
ORDER REASON: MESOTHELIOMA

---

Patient: HOGGE, CLAIBORNE FB8179

---

Rad Rpt: Final 05/20/2006 10:40 Req# 4144278 Acct# 510325

CHEST-ROUTINE PA AND LAT

Verified

Impression:  
1. Postop changes in the right hemithorax following pneumonectomy.  
2. Stable left hemithorax.

Report Release Date/Time: 20060529100230250  
Approving MD: PATZ, EDWARD F MD

ATTENDING MD: HARPOLE, DAVID HAROLD JR  
ORDERING MD: SCALES, CHARLES D JR  
ORDER REASON: S/P THORACOTOMY - EVAL EDema

---

Patient: HOGGE, CLAIBORNE FB8179

---

Rad Rpt: Final 05/27/2006 11:15 Req# 4142335 Acct# 510325

CHEST-ROUTINE PA AND LAT

Verified

Comparison: 5/26/2006

Findings and impression: Support appliances stable. Large left hydro-pneumothorax not significantly changed. Right lung clear.

I have reviewed the films and concur with the above findings.

Report Release Date/Time: 20060528095951907  
Resident MD: Hirasaki, Ken  
Approving MD: MCADAMS, HOLMAN F MD

ATTENDING MD: HARPOLE, DAVID HAROLD JR  
ORDERING MD: DIESEN, ELIANA L  
ORDER REASON: S/P THORACOTOMY, EVALUATE FOR PNEUMOTHORAX

---

Patient: HOGGE, CLAIBORNE FB8179

---

Patient: HOGGE, CLAIBORNE FB8179

Rad Rpt: Final 11/21/2006 09:39 Req# 4411958 Acct# 662698

CHEST-ROUTINE PA AND LAT

Paul, Hanley & Harley LLP

Verified

DEC 0 8 2006

\_\_\_\_\_  
Via  
\_\_\_\_\_  
Overnight  
\_\_\_\_\_  
Hand  
Case Attorney  
Forwarded to *THK*

Comparison: 11/14/2006

Findings and impression: No significant interval change status post left pneumonectomy. No change cystic lucency in the right apex consistent with bullous disease. Poorly defined opacity projected over the clavicle on the right, unchanged.

I have reviewed the films and concur with the above findings.

Report Release Date/Time: 20061121172423285

Resident MD: Paldino, Michael

Approving MD: WASHINGTON, EDITH LACEY MD

ATTENDING MD: CRAWFORD, JEFFREY

ORDERING MD: CRAWFORD, JEFFREY

ORDER REASON: 163.9

Patient: HOGGE, CLAIBORNE FB8179

Rad Rpt: Final 11/14/2006 12:13 Req# 4402339 Acct# 309564

CHEST-ROUTINE PA AND LAT

Verified

Comparison: August 22, 2006.

Findings and impression:

Status post left pneumonectomy. Cardiomeastinal silhouette is not well assessed. Stable right lung with apical bulla an illdefined nodular opacity in the right apex. Findings are not significantly changed in the short interval. Attention on followup is recommended. The right lung is otherwise stable. Mild degenerative changes of the spine.

Report Release Date/Time: 20061114144706797

Approving MD: MARTINEZ JIMENEZ, SANTIAGO MD

ATTENDING MD: HARPOLE, DAVID HAROLD JR

ORDERING MD: HARPOLE, DAVID HAROLD JR

ORDER REASON: 163.9

Patient: HOGGE, CLAIBORNE FB8179

GENLAB Hematology: Final 09/25/2006 07:17 Acct# 000626801839 Acct# 454282

eBrowser

Result for: FB8179 Printed by: MORAN019 12/4/2006

1 of 6

## AUTOMATED BLOOD COUNT

			Reference
HEMOGLOBIN	11.2	g/dL	[13.7-17.3]
HEMATOCRIT	34		[0.39-0.49]
RED BLOOD CELL COUNT	4.45	$\times 10^{12}$	[4.3-5.74]
MCH	25.2	pg	[26.5-34.0]
MCHC	32.6	g/dL	[31.5-36.2]
RDW-CV	16.0	%	[11.8-14.5]
MCV	77	fL	[80-98]
NUCLEATED RBC %	0.0	/100WBC	
NUCLEATED RBC COUNT	0.00	$\times 10^9$	[0.000-0.00]
PLATELET COUNT /L	211	$\times 10^9$	[150-450]
WHITE BLOOD CELL COUNT	4.1	$\times 10^9$	[3.2-9.8]

ATTENDING MD:  
MARKS, LAWRENCE B

ORDERING MD:  
MARKS, LAWRENCE B

PERFORMED BY:  
MORRIS BLDG CLIN RM5150 MORRIS BLDG DUMC DURHAM, NC 27710

Patient: HOGGE, CLAIBORNE FB8179

Rad Rpt: Final 09/11/2006 10:04 Req# 4302117 Acct#

MYOCARD PERF REST SPECT GATED SPECT FOR EJECT FRACT  
GATED SPECT FOR WALL MOTION

Verified

CLINICAL HISTORY : 65 y/o male, Lung CA  
INDICATIONS :

## OTHERS

995.20, unspecified adverse effect of drug, medicinal  
and biological substance  
V58.69, Long-term highrisk drugs currently used

TECHNIQUE : Rest

RADIOPHARMACEUTICAL : Rest : 27.0 mCi of Tc99m Myoview, IV

COMPARISON : None

## IMAGE ANALYSIS:

Left Ventricle Analysis :

	Rest	Conclusions
- High Anterolateral	Normal	Normal
- Low Anterolateral	Normal	Normal
- High Posterolateral	Normal	Normal
- Low Posterolateral	Normal	Normal
- High Anterior	Normal	Normal
- Low Anterior	Normal	Normal
- Anterapical	Normal	Normal
- Posterobasal	Normal	Normal
- Inferior	Normal	Normal
- Inferopical	Normal	Normal
- Inferoseptal	Normal	Normal
- Anteroseptal	Normal	Normal



Additional Comments : The resting LVEF, by quantitative gated  
SPECT  
imaging, is 52%.  
Normal wall motion.

I provided immediate supervision during the conduction of this  
testing  
and personally performed the interpretation.

Report Release Date/Time: 200603111116  
Approving MD: BORGES-NEITO, SALVADOR MD

ORDERING MD: MARKS, LAWRENCE B  
ORDER REASON: HEART SPECT DX: LUNG CA GRNT# 3830318-6954-5528

Patient: HOGGE, CLAIBORNE FB8179

Rad Rpt: Final 09/11/2006 10:04 Req# 4302117 Acct#

MYOCARD PERF REST SPECT GATED SPECT FOR BJECT PRACT  
GATED SPECT FOR WALL MOTION

Verified

CLINICAL HISTORY : 55 y/o male, Lung CA  
INDICATIONS :

OTHERS

995.20, Unspecified adverse effect of drug, medicinal  
and biological substance  
V58.69, Long-term highrisk drugs currently used

TECHNIQUE : Rest

RADIOPHARMACEUTICAL : Rest : 27.0 mCi of Tc99m Myoview, IV

COMPARISON : None

IMAGE ANALYSIS:

Left Ventricle Analysis :

	Rest	Conclusions
- High Anterolateral	Normal	Normal
- Low Anterolateral	Normal	Normal
- High Posterolateral	Normal	Normal
- Low Posterolateral	Normal	Normal
- High Anterior	Normal	Normal
- Low Anterior	Normal	Normal
- Anterapical	Normal	Normal
- Posterobasal	Normal	Normal
- Inferior	Normal	Normal
- Inferocapical	Normal	Normal
- Inferoseptal	Normal	Normal
- Anteroseptal	Normal	Normal

Additional Comments : The resting LVEF, by quantitative gated  
SPECT  
imaging, is 52%.  
Normal wall motion.

I provided immediate supervision during the conduction of this testing and personally performed the interpretation.

Report Release Date/Time: 200609111116  
Approving MD: BORGES-NETO, SALVADOR MD

ORDERING MD: MARKS, LAWRENCE B  
ORDER REASON: HEART SPECT DX: LONG CA GRNTH 3830338-5964-5528

---

Patient: HOGGE, CLAIBORNE FB8179

---

Dictated Rpt: Final 09/05/2006 00:00

Radiation Oncology Clinic Note

MRN: FB8179

HOGGE, CLAIBORNE  
Date: 09/05/2006

DOB: Age:

Radiation Oncology Clinic Note  
Attending: Lawrence B Marks, MD

**RADIATION ONCOLOGY TREATMENT PLANNING:**

The patient had treatment planning CT done recently. On this, we identified the left pleural space to be the clinical target volume. This was done with review of the preoperative imaging. Care was taken to include the visible pleural surfaces as well as subcutaneous tissues related to the chest scar.

Associated normal tissue such as the heart, right lung, kidneys, bowel, and esophagus were also identified. Doses/volume constraints were identified for anticipated MRT.

With a conventional AP/PA approach, it is not possible to deliver the desired dose to the inferior aspect of the tumor, without exceeding the cardiac and bowel tolerances. This is particularly challenging since the tumor wraps around the pericardial surface both anteriorly

and posteriorly. Further, the target is quite close to the stomach and some bowel tissue in the left upper abdomen.

Therefore, an IMRT plan was generated. After several iterations of this, we settled on a plan which I believe adequately balances the target coverage and normal tissue concerns. Using 9 IMRT coplanar fields, we were able to deliver fairly good dose distribution to the target volume. We allowed a slightly lower dose to the portions of the target tissues that are immediately adjacent to the heart and bowel. We, therefore, defined a portion of the PTV where a lower dose was acceptable. In essence, we pushed the software to provide very rapid dose gradients in this vicinity. The trade off for this is a slightly higher heterogeneity within the PTV, and slightly cold dose spots in the PTV adjacent to the heart.

We identified the left ventricle as well, and tried to minimize the dose to this area.

With the current dose distribution, we could deliver about 45 Gy to the clinical target volume. The dose volume histograms to the liver, kidney, bowel, heart, and lung all appear reasonable. In particular, the lung doses appear good, with a medial lung dose of about 7 or 8 Gy. The superior aspect of the left kidney got significant dose but the right kidney and the lower left kidney are essentially spared.

The patient has agreed to participate in the Lance Armstrong Cardiac Toxicity Study. He appears to be a good candidate for this, as much of the heart is getting about 50% of the prescribed dose.

His PFTs done postoperatively appear reasonable with an FEV1 of 1.6 L and DLCO of 52% predicted.

Loose ends: Cardiac studies, renal scan.

LAWRENCE B. MARKS, MD  
Department of Radiation Oncology  
ELECTRONICALLY SIGNED ON  
September 06, 2006 AT 10:04:57 AM

DD: 09/05/2006

DT: 09/05/2006

MBDQ/JOB: 594360/252828887

**EXHIBIT "B"**

ENDORSED  
FILED  
San Francisco County Superior Court

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO

JAN 11 2007

GORDON PARK LI, Clerk  
BY: RANI EDWARDS  
Deputy Clerk

EVERETT HOGGE and  
PRISCILLA HOGGE,

Plaintiffs,

vs.

A. W. CHESTERTON COMPANY, et al.,

Defendants.

Court No. 452846

ORDER GRANTING  
PLAINTIFF'S THIRD  
MOTION FOR  
PREFERENCE

The above-entitled cause came on regularly for hearing on January 10, 2007 in Department 611 of the above-entitled court, the Honorable Diane Elan Wick, Judge, presiding. Wes Wagnon, Esq., appeared as counsel for plaintiffs Everett Hogge and Priscilla Hogge; Jill Hoffman, Esq., appeared as medical counsel on behalf of certain named defendants; appearances were also made by other counsel representing other named and served defendants in this action. The matter heard was plaintiff's third motion for trial preference pursuant to Code of Civil Procedure section 36(d).

Oral and documentary argument was submitted on behalf of the respective parties. Having considered the evidence and arguments of counsel, and being fully advised, the court rules as follows:

ORDER GRANTING PLAINTIFF'S THIRD MOTION FOR PREFERENCE



1 IT IS ORDERED that plaintiffs' third motion for trial preference  
2 pursuant to Code of Civil procedure section 36(d) be GRANTED.

3 IT IS FURTHER ORDERED pursuant to stipulation that motions  
4 for summary judgment may be heard on 15 days notice up to 15 days before  
5 trial and that discovery remain open through April 30, 2007?

6 IT IS FURTHER ORDERED AS FOLLOWS:

7 That jury trial in this matter be set on May 7, 2007 at 9:00 am in  
8 Department 611 of this court;

9 That both plaintiffs' depositions be completed not later than  
10 February 15, 2007;

11 That plaintiffs provide defendants with all employment and medical  
12 records, and all pathology samples not later than February 28, 2007;

13 That plaintiffs not later than March 15, 2007 provide a list of  
14 anticipated trial product and/or site identification witnesses, including  
15 coworkers, that will be offered against each defendant at trial, the lists to  
16 contain each witness's address and telephone number. The cut-off date for  
17 taking depositions of these product and/or site identification witnesses shall be  
18 May 2, 2007. Product and/or site identification witnesses not timely produced  
19 by plaintiffs to defendants shall be precluded from offering testimony at trial.

20 That all motions for summary judgment or summary adjudication  
21 be noticed for hearing in Department 302 of this court.

22 That all discovery motions be noticed for hearing in Department  
23 610 of this court.

24  

---

ORDER GRANTING PLAINTIFF'S THIRD MOTION FOR PREFERENCE

1 That plaintiffs served this order on all defendants in this action.

2  
3 Dated: January 10, 2007

4  
5 **DIANE ELAN WICK**

6 Diane Elan Wick  
7 Judge of the Superior Court  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

Superior Court of California  
County of San Francisco  
DEPARTMENT 611

EVERETT HOGGE and  
PRISCILLA HOGGE

PLAINTIFF

vs.

A. W. CHESTERTON COMPANY

DEFENDANT

CASE : 452846

CERTIFICATE OF MAILING  
(CCP 1013a (4) )  
ORDER GRANTING PLAINTIFF'S THIRD  
MOTION FOR PREFERENCE

I, Rani Edwards, Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On January 11, 2007, I served the ORDER GRANTING PLAINTIFF'S THIRD MOTION FOR PREFERENCE by placing a copy thereof in a sealed envelope, addressed as follows:

WES WAGNON, ESQ.  
PAUL HANLEY & HARLEY  
1608 FOURTH STREET, SUITE 300  
BERKELEY, CA 94710

JILL HOFFMAN, ESQ.  
BERRY & BERRY  
A PROFESSIONAL LAW CORPORATION  
2930 LAKESHORE AVE  
OAKLAND, CA 94610

and, I then placed the sealed envelopes in the outgoing mail at 400 McAllister Street, San Francisco, CA 94102 on the date indicated above for collection, attachment of required prepaid postage, and mailing on that date following standard court practices.

Dated: January 11, 2007

GORDON PARK-LI, Clerk

  
By: RANI EDWARDS, Deputy Clerk

**EXHIBIT "C"**

**Deborah R. Rosenthal (DRR)**

**From:** Deborah R. Rosenthal (DRR)  
**Sent:** Monday, June 04, 2007 12:02 PM  
**To:** 'Tom French'  
**Subject:** RE: Hogge v. John Crane -- Proposed Stip re Remand Motion

Tom,

Thank you for your prompt response. Unfortunately your proposed dates are unacceptable, in light of Mr. Hogge's failing health, so I will move for an order shortening time and notify the court that we attempted to reach a stipulation but were unable to do so.

Regards,

Deborah

~~-----Original Message-----~~

**From:** Tom French [mailto:BTf@hassard.com]  
**Sent:** Monday, June 04, 2007 11:36 AM  
**To:** Deborah R. Rosenthal (DRR)  
**Subject:** RE: Hogge v. John Crane -- Proposed Stip re Remand Motion

Deborah,

The case number stamped on our papers is C07 2873 EDL.

With respect to the proposed stipulation, we are willing to stipulate to a briefing schedule for the motion to remand that would shorten the time within which plaintiffs file their reply to our opposition and/or to shorten the time within which the motion is heard after the plaintiffs' reply is filed, but we are not willing to shorten the time within which our opposition must be filed. Among other things, I anticipate the plaintiffs will argue our client bears the burden of proof with respect to removal. As a result, we must have adequate time to respond to whatever grounds for remand are raised in the motion.

For the foregoing reasons, the briefing schedule we would propose is as follows: motion filed on 6/5/07; opposition due on or before 6/19; reply due on or before 6/22; hearing during week of 6/25 or 7/2, subject to the assigned judge's calendar. Obviously, if the motion is filed after 6/5/07, the briefing schedule would be extended accordingly.

B. Thomas French  
Hassard Bonnington LLP  
Two Embarcadero Center, Suite 1800  
San Francisco, CA 94111-3993  
(415) 288-9800  
(415) 288-9801 fax  
btf@hassard.com

**SERVICE NOTICE**

B. Thomas French and Hassard Bonnington LLP do not accept or consent to the service of process, motions, pleadings, documents, or any other items by electronic format. Correspondence via electronic format does not indicate agreement or consent to acceptance of service in that format. The preceding e-mail message (including any attachments) contains information that may be confidential, be protected by the attorney-client or other applicable privileges, or constitute non-public information. It is intended to be conveyed only to the designated recipient(s). If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete it from your system. Use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

6/4/2007

-----Original Message-----

From: Deborah R. Rosenthal (DRR) [mailto:DRRosenthal@phhlaw.com]  
Sent: Monday, June 04, 2007 10:36 AM  
To: Tom French  
Subject: RE: Hogge v. John Crane -- Proposed Stip re Remand Motion

When we spoke on Friday, I did not have a proposal for you prepared yet, which I told you repeatedly. My verbal representation to you that in past cases we had proposed to shorten the time for our reply only, and not defendant's opposition, was merely that: a representation of what we had done in the past.

My proposal for the briefing and hearing scheduled in this matter is what I sent to you via email on Friday.

Since you received my voicemail message this morning, you also know that I need the federal court case number and judge/department.

Thank you for your prompt attention to these matters. I look forward to hearing from you.

Deborah

-----Original Message-----

From: Tom French [mailto:BTf@hassard.com]  
Sent: Monday, June 04, 2007 10:21 AM  
To: Deborah R. Rosenthal (DRR)  
Subject: RE: Hogge v. John Crane -- Proposed Stip re Remand Motion

Deborah,

I reviewed your proposed stipulation, and contrary to what you told me late Friday afternoon, your proposal shortens defendant's time to file its opposition from 14 days to 7 days (on Friday you said your stipulation would only affect the time within which the reply brief was required to be filed). In addition, I just received your voice-mail message in which you suggested you may want to further modify the briefing schedule. As I indicated on Friday, I need to discuss this proposed stipulation with some other people, but before I can do so I need to know exactly what the proposal is.

B. Thomas French  
Hassard Bonnington LLP  
Two Embarcadero Center, Suite 1800  
San Francisco, CA 94111-3993  
(415) 288-9800  
(415) 288-9801 fax  
btf@hassard.com

SERVICE NOTICE

B. Thomas French and Hassard Bonnington LLP do not accept or consent to the service of process, motions, pleadings, documents, or any other items by electronic format. Correspondence via electronic format does not indicate agreement or consent to acceptance of service in that format. The preceding e-mail message (including any attachments) contains information that may be confidential, be protected by the attorney-client or other applicable privileges, or constitute non-public information. It is intended to be conveyed only to the designated recipient(s). If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete it from your system. Use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

-----Original Message-----

From: Deborah R. Rosenthal (DRR) [mailto:DRRosenthal@phhlaw.com]  
Sent: Friday, June 01, 2007 7:19 PM  
To: Tom French  
Subject: Hogge v. John Crane -- Proposed Stip re Remand Motion

6/4/2007



As we discussed by telephone earlier today, plaintiffs propose that the parties stipulate to having plaintiffs' remand motion heard on shortened time.

Pursuant to the Local Rules of the Northern District of California, motions must be filed and served not less than 35 days before the hearing, oppositions not less than 21 days before the hearing, and reply briefs not less than 14 days before the hearing. (See N.D. Cal. Local Rule Nos. 7-2 & 7-3.)

Due to Mr. Hogge's failing health, plaintiffs intend to file their motion for remand no later than Tuesday, June 5, 2007 and to simultaneously move for an order shortening the briefing schedule and the time for the Court to hear the motion as follows:

If plaintiffs file their motion on 6/5, that defendant's opposition be filed and served no later than 6/12 (giving defendant 7 rather than 14 days to oppose); that plaintiffs' reply brief, if any, be filed and served no later than 6/15, and that the motion be heard during the week of 6/18 in accordance with the assigned judge's motion calendar.

Attached is a draft stipulation (and supporting declaration, as required by the local rules) to this effect. Please let me know by noon on Monday whether this is acceptable, or if you have an alternative proposal, or if you are unwilling to stipulate to having plaintiffs' motion for remand heard on shortened time.

Thank you. I look forward to hearing from you.

<<JOHNCRANE stip re OST re remand - DRR-dec.doc>> <<JOHNCRANE stip re OST re remand.doc>> Deborah R. Rosenthal Attorney  
(510) 559-9980 Ext. 240  
DRRosenthal@PHHLaw.com

---

NOTICE: This message is intended solely for the use of the individual or entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the address via the U.S. Postal Service and electronic mail as follows:

PAUL, HANLEY & HARLEY LLP  
1608 Fourth Street, Suite 300  
Berkeley, California 94710  
Telephone: (510) 559-9980  
Facsimile: (510) 559-9970  
e-mail: NorCal@PHHLaw.com  
www.PHHLaw.com